

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Skype Communications S.A.R.L.)	
)	
Petition to Confirm A Consumer's Right)	RM-11361
to Use Internet Communications Software)	
and Attach Devices to Wireless Networks)	
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PETITION TO CONFIRM A CONSUMER'S RIGHT TO USE INTERNET
COMMUNICATIONS SOFTWARE AND ATTACH DEVICES TO WIRELESS
NETWORKS

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My name is Joshua Breitbart. I am the Policy Director for People's Production House (PPH). PPH trains middle and high school students in public schools and low-wage and immigrant workers in New York City and Washington, DC, in radio journalism and media literacy. I am writing in support of all consumers' right to use Internet communications software and attach devices to wireless networks.

I was motivated to submit these comments by a conversation with members of New York City AIDS Housing Network, an important local advocacy organization whose membership is primarily low-income and homeless New Yorkers living with HIV and AIDS. Like many non-profit organizations, they rely on the Internet for communication,

with each other and with new allies who want to support their tireless efforts,. However, they have found that desktop computers are not sufficient for their communication needs, in large part because many members and staff members do not have computers at home. So they use cellular devices.

Despite their limitations in functionality and screen size, not to mention the monthly fees, those devices have succeeded in getting more people communicating, checking their email, and engaging in the community organizing work of NYCAHN. The people I spoke with appreciate having a device of their own that they could get to know and could customize to their needs. This relationship is much more like the we tend to see in wealthy homes and larger companies with a one-computer-per-person ratio than like the shared computer experience in the NYCAHN office, at the public library, or at NYCAHN members' homes, if there is any computer at home, or even a home.

In addition, the people I spoke with were more likely to have extensive experience using a cell phone than a computer. They described a cell phone as a much more common possession among people they knew than computers, except perhaps for households with school age children.

These mobile, personal devices meet their needs in many ways, but the Internet service they receive over them is significantly more restricted than the service for those connecting through standard personal computers. That this imbalance appears to correlate with economic status suggests that current cell phone regulations are exacerbating our country's digital divide.

One place this is clearly seen is with people who have disabilities that impact their ability to use computers or the Internet. Because of the open standards of the Internet and personal computers, there are many services and accessory devices that support access for people with various disabilities. The same is not true for mobile devices. Conversely, mobile devices may be more accessible for some people who cannot sit at a desk or type with both hands. But the restricted nature of broadband over cell phones places these people in an inferior position compared to those who use a standard personal computer to go online, based solely on those disabilities.

To corroborate and expand on the anecdotal evidence mentioned above, People's Production House, in collaboration with the New York University School of Environmental Medicine and Einstein Medical College, is conducting extensive research on Internet use in New York City. Through this process, we hope to shed more light on the role of cellular networks in providing New Yorkers with meaningful options for accessing the Internet. We will be correlating information on personal health to see what impact physical disability has on Internet, computer, and cell phone usage.

If Internet-equipped cell phones are currently or potentially a significant source of Internet access for New Yorkers and others across the country – especially if it is a primary source for those without other means of access – then the FCC's inconsistent

regulation across broadband platforms means relegating an entire class of broadband users to second class status.

The FCC should apply consistent regulation across platforms to ensure that the cell phone Internet experience is as open and potentially enriching as Internet access over fixed-line or unlicensed spectrum. The greatest benefit to consumers would come with the ability to attach devices to the network, open standards for applications on those devices, open to the network for service providers, and network neutrality (including a prohibition on termination fees) for the content going over the network.

People's Production House and our partners working on this important issue are eager to help the Commission regulate wireless networks in the public interest. I look forward to an opportunity to present our findings to the Commission once we have completed our research. If you would like further information or if you would like to visit New York City to hold a hearing or investigate this matter further, please do not hesitate to contact us. Thank you.